

ISSUE DATE: July 5, 1995

DOCKET NO. P-407/C-95-99

ORDER DENYING PETITION

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Don Storm
Tom Burton
Joel Jacobs
Marshall Johnson
Dee Knaak

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of a Complaint regarding the
Location of the Boundary between the Cannon
Falls Exchange of GTE and the Red Wing
Exchange of US WEST

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PROCEDURAL HISTORY

On February 6, 1995, approximately 16 subscribers in GTE's Cannon Falls exchange submitted a letter and petition to the Commission. The petitioners requested a change in the boundary between the Cannon Falls exchange and the Red Wing exchange, which is served by US WEST Communications, Inc. (US WEST). The petitioners, all living within one mile of the exchange boundary, requested that the boundary be adjusted so that they would be included in the Red Wing exchange. The petitioners stated that the boundary revision should be authorized because their children attend Red Wing schools, their township and county government is in Red Wing, they are involved in civic groups and clubs such as Boy Scouts in Red Wing, and they have close ties to Red Wing churches and businesses.

On May 11, 1995, the Department of Public Service (the Department) filed comments in opposition to the petition. The Department stated that there is no precedent for requiring telephone companies to adjust their established boundaries. The Department suggested that the petitioners may find relief outside the petition process through subscription to long distance companies' various calling options. The Department also noted that the Commission is in the process of examining local calling area issues in Docket No. P-999/CI-94-296; alternative methods for establishing toll-free calling to Red Wing may emerge from this investigation.

On June 20, 1995, the matter came before the Commission for consideration.

FINDINGS AND CONCLUSIONS

Having examined the filings in this proceeding and considered the matter in its entirety, the Commission finds that the petition should be denied.

The petitioners have not cited a statute or rule which authorizes the Commission in these circumstances to order unwilling telephone companies to revise their long-standing boundaries. Further, the realignment does not seem to have unanimous support of the affected customers: the record indicates that one subscriber is opposed to the change, three are undecided and one was out of the state at the time the petition was circulated. Without a record of unanimous customer support or company desire for the realignment, the Commission is unwilling to order the boundary change.

The petitioners have not shown unique circumstances to justify an involuntary boundary realignment. The fact that these telephone exchange boundaries do not match school district, county, or township boundaries is not unusual. The frequency of such mismatches, and resulting requests for realignments, are part of the reason for the development of the EAS process. Although the EAS process is in moratorium at the moment, the Commission will be addressing these issues in its local calling area investigation.

Finally, the Commission notes that granting the requested boundary change would likely result in abandoned facilities for GTE and new costs of construction for US WEST. These otherwise unnecessary costs would be borne by all GTE and US WEST ratepayers.

ORDER

1. The Commission denies the petition for boundary change.
2. Docket No. P-407/C-95-99 is closed.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)